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Attorneys for  
 Plaintiff IP LEARN, LLC

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

IP LEARN, LLC,  
 Plaintiff and Counterdefendant,  
 v.  
 SABA SOFTWARE INC.; and  
 DOES 1-10,  
 Defendant and Counterclaimant.  
 AND RELATED COUNTERCLAIMS.

No. C 02-02634 JW (RS)

**DISCLOSURE OF ASSERTED CLAIMS AND  
 PRELIMINARY INFRINGEMENT CONTENTIONS  
 [LR 3-1]**

Hearing Date: None  
 Judge: The Honorable James Ware

**DISCLOSURE OF ASSERTED CLAIMS AND  
 PRELIMINARY INFRINGEMENT CONTENTIONS**

Pursuant to Patent Local Rule 3-1, Plaintiff IP Learn, LLC ("IP Learn") provides the following initial disclosure of asserted patent claims and preliminary infringement contentions.

- I. Appendices A and B contain information responsive to Patent L.R. 3.1(a).
- II. Appendices A and B contain information responsive to Patent L.R. 3.1(b).
- III. Appendix A contains information responsive to Patent L.R. 3.1(c). The claim chart in Appendix A specifically identifies where each element of each asserted claim is found within each accused instrumentality. In the event that the Court should determine that the

preamble of any claim is an element, Plaintiff has, without prejudice, asserted that the accused instrumentality meets the preamble.

IV. Appendix A contains information responsive to Patent L.R. 3.1(d).

V. Pursuant to Patent LR 3-1(e), IP Learn states that each of the patents-in-suit is at least entitled to a priority date that is no later than the earliest filing date of the applicable priority application for each of the asserted claims of the patents-in-suit. For each of the patents-in-suit, the earliest filing date of the applicable priority application is shown below.

Asserted Patent No.	Earliest Filing Date of Applicable Priority Application
5,779,486	No Earlier Application Relied Upon
5,934,909	March 19, 1996
6,118,973	March 19, 1996
6,126,448	No Earlier Application Relied Upon
6,398,556	April 13, 1999

VI. Plaintiff has produced all documents in accordance with Patent L.R. 3-2 in its initial disclosures.

Documents responsive to Patent LR 3-2(a): IP Learn has searched for and not located any documents responsive to this category.

Documents responsive to Patent LR 3-2(b): Bates nos. IPL/SA002187-IPL/SA002331.

Documents responsive to Patent LR 3-2(c): Bates nos. IPL/SA000001-IPL/SA002152.

Dated: November 27, 2002

COOLEY GODWARD LLP

  
Andrew A. Kumamoto

Attorneys for Plaintiff and Counterdefendant  
IP LEARN, LLC

## Appendix B

### Saba – Patent Claims

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#### **U.S. Patent No. 5,779,486**

Enterprise Edition:

Claim Nos. 1, 2, 13, 14, 15, 16, 17, 19, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 50 and 54.

ASP Edition:

Claim Nos. 1, 2, 13, 14, 15, 16, 17, 19, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 50 and 54.

#### **U.S. Patent No. 5,934,909**

Enterprise Edition:

Claim Nos. 1, 2, 4, 5, 8, 11, 12, 13, 21, 22, 23, 24, 25, 26, 27 and 29.

ASP Edition:

Claim Nos. 1, 2, 4, 5, 8, 11, 12, 13, 21, 22, 23, 24, 25, 26, 27 and 29.

#### **U.S. Patent No. 6,118,973**

Enterprise Edition:

Claim Nos. 1, 2, 4, 9, 10, 11, 12, 14, 15, 16, 19, 20, 21, 23, 24, 25 and 26.

ASP Edition:

Claim Nos. 1, 2, 4, 9, 10, 11, 12, 14, 15, 16, 19, 20, 21, 23, 24, 25 and 26.

#### **U.S. Patent No. 6,126,448**

Enterprise Edition:

Claim Nos. 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 19, 20, 21, 24, 25, 26, 30, 32, 33, 34, 35, 36, 37, 38, 39, 45 and 46.

ASP Edition:

Claim Nos. 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 19, 20, 21, 24, 25, 26, 30, 32, 33, 34, 35, 36, 37, 38, 39, 45 and 46.

#### **U.S. Patent No. 6,398,556**

Enterprise Edition:

Claim Nos. 1, 2, 3, 5, 7, 8, 10, 11, 14, 22, 23, 25, 26, 27, 28, 53, 54, 56, 57, 58, 59, 60, 61, 64, 65, 67, 68, 72, 73, 74, 77, 78, 79, 80 and 84.

ASP Edition:

Claim Nos. 1, 2, 3, 5, 7, 8, 10, 11, 14, 22, 23, 25, 26, 27, 28, 53, 54, 56, 57, 58, 59, 60, 61, 64, 65, 67, 68, 72, 73, 74, 77, 78, 79, 80 and 84.

**PROOF OF SERVICE**  
**(FRCP 5)**

I am a citizen of the United States and a resident of the State of California. I am employed in Santa Clara County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley Godward LLP, Five Palo Alto Square, 3000 El Camino Real, Palo Alto, California 94306-2155. On the date set forth below I served the documents described below in the manner described below:

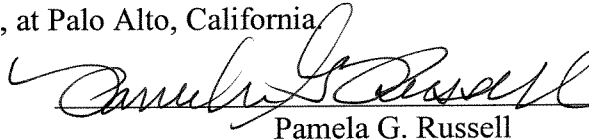
**1. DISCLOSURE OF ASSERTED CLAIMS AND PRELIMINARY INFRINGEMENT CONTENTIONS [LR 3-1]**

- ☐ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley Godward LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Palo Alto, California.
- ☒ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☐ (BY FACSIMILE) I am personally and readily familiar with the business practice of Cooley Godward LLP for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- ☐ (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Cooley Godward LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by \_\_\_\_\_ for overnight delivery.

on the following part(ies) in this action:

Michael A. Jacobs  
Wesley E. Overson  
Frederick Chung  
Morrison & Foerster  
425 Market Street  
San Francisco, CA 94105-2482

Executed on November 27, 2002, at Palo Alto, California.

  
Pamela G. Russell